

FILED
8/30/2018

PK

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Eliot Jackson - EL

Sgt. Jones

Plaintiff(s),

vs.

CITY OF MARKHAM IL OFFICER

JANE DOE OF MARKHAM POLICE

DEPT. OFF. JOHN DOE OF MARKHAM,

POLICE DEPT. LAKE COUNTY STATE'S ATTORNEY
KIM FOX

Defendant(s).

18CV5711
JUDGE THARP JR
MAG. JUDGE COLE

RECEIVED

AUG 21 2018

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is Eliot A. Jackson - EL.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

(4) Defendant John Doe IS AN officer or official employed by MARKHAM Police Department

Defendant the city of Markham directly employs the officers who violated my constitutional rights.

Defendant Kim Fox IS The Cook County State's Attorney who prosecuted this violation of Plaintiff's constitutional rights.

4. Defendant John Doe is an officer or official employed by the Markham Police Department

Defendant The City of Markham directly employs the defendants who violated plaintiff's Constitutional rights.

Defendant Kimberly Fox is the Cook County State's Attorney who prosecuted the violations of plaintiff's Constitutional rights.

4. Defendant, officer ~~John Doe~~ Carey Star # 580, is
(name, badge number if known)

☒ an officer or official employed by Markham Police Department;
(department or agency of government)

_____ or
☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is COOK COUNTY. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about Aug 24 2016 at approximately 1:15 ☒ a.m. ☐ p.m.
(month, day, year)

plaintiff was present in the municipality (or unincorporated area) of Markham
ILLINOIS, in the County of COOK,

State of Illinois, at 2024 W. 163rd St. Markham IL 60
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (***Place X in each box that applies***):

- ☒ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☒ searched plaintiff or his property without a warrant and without reasonable cause;
- ☐ used excessive force upon plaintiff;
- ☒ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with needed medical care;
- ☒ conspired together to violate one or more of plaintiff's civil rights;
- ☐ Other:
Maliciously Prosecuted Plaintiff's
Civil Rights

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): _____

8. Plaintiff was charged with one or more crimes, specifically:

Armed habitual criminal, Armed violence,
Possession with intent to deliver pvc to arms
of cadmus, unlawful use of a weapon by
felon

9. (*Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"*) The criminal proceedings

- ☒ are still pending.
- ☒ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹
- ☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____

☒ Other: Appeal of a lesser included offense.

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

A valid ~~arrest~~ warrant at which time the defendant officer
Carrey #580 called additional units which he testified he'd
done before any initial contact with the Plaintiff only
profiling the Plaintiff because of the establishment that
the Plaintiff was attending against the consent of the Plaintiff
The defendants illegally found some MARIJUANA that the
Plaintiff had in his possession. Upon discovering this small
MARIJUANA that was legal at the time because of the
quantity these officers called a canine unit to further
show their use of authority all because the Plaintiff
asserted his constitutional rights to not speak with
them and not giving consent to search his person or
possession, the Plaintiff was present at a car that
he had no legal ties to for only brief moments assisting
some one with auto trouble, the officers continued
to search the Plaintiff and found additional MARIJUANA
and a loaded hand gun that in no way connected
to the Plaintiff. The officers falsified documents and
made false statements stating that I spoke without
being Mirandized which was a false statement Plaintiff
at no time spoke to these officers other than to
provide them with the requested information to
identify the Plaintiff

10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

ON August 21, 2016 Plaintiff was a Patron
the Stadium Night club located at
2024 W. 163rd St Markham IL, when
The Plaintiff was apprehended by two
officers of The Markham Police, without
probable cause because The Plaintiff had
committed no crime, was not involved in
any criminal activity or behaving suspicious
in any unreasonable manner. Upon Approaching
The Plaintiff who was legally free
to be unharmed by The Markham Police
was immediately placed in handcuffs
at which time Plaintiff was arrested without

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

The Plaintiff spent 19 months incarcerated
awaiting trial for which Plaintiff was
found Not guilty of ON February 7, 2018
Case No. 16 CR 1423

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: ELIOT A. JACKSON - EL

Plaintiff's name (print clearly or type): ELIOT A. JACKSON - EL

Plaintiff's mailing address: 5530 W. VAN BUREN

City CHICAGO State IL ZIP 60644

Plaintiff's telephone number: (708) 834-8244

Plaintiff's email address (if you prefer to be contacted by email): _____

15. Plaintiff has previously filed a case in this district. ☒ Yes ☐ No

If yes, please list the cases below.

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.